

***Pilot study examines alternative donor deferral criteria for gay, bisexual men***

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**WASHINGTON** – Today, U.S. Representative Mike Quigley (IL-05) and Senator John Kerry (MA) offered support for new research and urged revising an outdated policy banning gay and bisexual men from donating blood. Text of a letter sent to the Department of Health and Human Services (HHS), which was signed by 62 members of the House and Senate, is below.

“Patients across the country desperately need life-saving blood transfusions, yet perfectly healthy would-be donors are turned away based solely on sexual orientation,” **said Rep.**

**Quigley**

“Equality for the LGBT community is closer than ever but outdated and discriminatory policies like this must evolve to match advancements in science and technology.”

“We’ve been working on this a long time and I applaud Secretary Sebelius for taking this important step toward ending the lifetime ban on gay men donating blood, and instead relying on the science of today not the myths of twenty years ago. I’m confident that the findings of these new studies will pave the way to get this policy off the books,” **said Sen. Kerry**. “We’ll at last have an informed evaluation of the final roadblocks to ending a ban against healthy, responsible Americans donating blood.”

The HHS pilot study will assess alternative blood donor deferral criteria for men who have sex with men. Currently, any man who has had sex with another man since 1977 is banned for life from donating blood. The policy was enacted in the 1980s, when the risk of AIDS from transfusion was first recognized. However, since then, technological advances in blood testing, policy changes in other nations, and vocal opposition from the blood banking community have spurred a reexamination of the outdated policy.

Rep. Quigley and Sen. Kerry have led bicameral efforts calling for a revised policy, [first](#)

[sending a letter to HHS in June 2010](#)

. That same month, the HHS Advisory Committee on Blood Safety and Availability reviewed the lifetime ban and recommended the policy be revised because it was “suboptimal,” allowing high-risk individuals to donate while preventing donations from low-risk individuals, such as healthy gay and bisexual men. The Advisory Committee’s full recommendations can be found [here](#)

A member of the Congressional Equality Caucus, Rep. Quigley has been a [tireless advocate for repealing the blood ban](#) and first called for the Food and Drug Administration (FDA) to reexamine its antiquated policy in 2009. He has made LGBT equality one of his top [legislative priorities](#) and is a [co-sponsor of the Respect for Marriage Act](#), which would ensure that all couples are treated fairly under federal law. Most recently, he offered [legislation that would have expanded the Violence Against Women Act](#) to include the LGBT community.

Senator Kerry has been a longtime advocate for updating this discriminatory policy. In 2010, he wrote [two separate letters](#) to the FDA [urging them to abolish the policy](#), published an [op-ed](#) on the ban in Bay Windows, New England’s largest GLBT newspaper, and submitted [testimony](#) to the HHS Advisory Committee on Blood Safety and Availability urging the lifetime ban’s repeal.

**Text of the bicameral letter is below:**

June 8, 2012

The Honorable Kathleen Sebelius

Secretary

Department of Health and Human Services

200 Independence Avenue, SW

Washington, DC 20201

Dear Secretary Sebelius:

We are writing to express our support for the recent Department of Health and Human Services' (HHS) request for information (RFI) on a pilot to assess alternative blood donor deferral criteria for men who have sex with men (MSM). We view this RFI and the pilot to assess alternative donor criteria as important steps toward revising today's deferral policy and assessing the feasibility of allowing healthy gay and bisexual men to donate blood while maintaining the safety of our blood supply.

As you know, the current policy has been in place since the height of the HIV/AIDS crisis in the 1980s, when health officials banned any man who has had sex with a man, even once since 1977, from donating blood for life. In the 27 years since, we have seen vast advances in blood screening technology, policy changes in other nations, and staunch opposition from the nation's blood banks who have called the current ban "medically and scientifically unwarranted."

Still, healthy gay and bisexual men continue to be banned for life, while the FDA allows a man who has had sex with an HIV-positive woman to give blood after waiting only one year. This double standard is inconsistent and indefensible. Our current policies turn away healthy, willing donors, even when we face serious blood shortages.

Recognizing the shortfalls of the current permanent deferral policy, and following the urging of many Members of Congress, HHS convened the Advisory Committee on Blood Safety and Availability (ACBSA) in June of 2010 to review the lifetime deferral requirement. The Advisory Committee concluded that the current ban on gay and bisexual men is "suboptimal" because it

allows high-risk individuals to donate while prohibiting low-risk donors from contributing, and it should be changed as a result.

This recognition of the inadequacy of the current lifetime ban of MSM donors by a panel of independent health experts marked an important turning point in the debate over this outdated policy. It prompted HHS to pursue a variety of studies to examine the feasibility of altering the policy to allow low-risk MSM to donate while still ensuring rigorous blood safety.

We applaud the decision by HHS to pursue these studies examining the MSM blood donor deferral policy and we support the decision to conduct a pilot to examine alternative blood donor criteria for MSM. As HHS designs the pilot study, we request the department take into account the following considerations.

With regards to the examination of donor selection measures, we encourage the pilot to explore ways to distinguish high-risk MSM from low-risk MSM in order to avoid deferring low-risk, healthy, and viable blood donors from within the MSM community from donating blood. For instance, the donor questionnaire could collect information on whether or not the donor is in a monogamous relationship or

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if the donor engages in effective preventive measures. In this way the donor questionnaire could assess the risk level of all potential donors, regardless of sexual orientation.

We believe that any change in blood donor deferral policy must be guided by the science of ensuring the highest level of safety for our blood supply. We remain concerned that a blanket

deferral of MSM for any length of time both perpetuates the unwarranted discrimination against the bisexual and gay community and prevents healthy men from donating blood without a definitive finding of added benefit to the safety of the blood supply.

Additionally, as you conduct these studies, we urge you to continue to be vigilant in your efforts to avoid any real or perceived unwarranted discriminatory treatment of the MSM community in the language that is used and in procedure.

We are pleased by the progress HHS is making toward revising today's policy banning gay and bisexual men from donating blood and we encourage the department to move swiftly to execute this promising pilot and to use its results to appropriately revise today's discriminatory policy. Thank you for your consideration.

Sincerely,

Rep. Mike Quigley

Illinois' 5<sup>th</sup> District

Sen. John F. Kerry

Massachusetts

Sen. Daniel Akaka

Hawaii

Sen. Mark P. Begich

Alaska

Sen. Michael F. Bennett

Colorado

Sen. Maria E. Cantwell

Washington

Sen. Kirsten Gillibrand

New York

Sen. Patricia L. Murray

Washington

Sen. Bernard Sanders

Vermont

Sen. Jeanne Shaheen

New Hampshire

Sen. Mark E. Udall

Colorado

Rep. Gary Ackerman

New York's 5<sup>th</sup> District

Rep. Howard L. Berman

California's 28<sup>th</sup> District

Rep. Lois Capps

California's 23<sup>rd</sup> District

Rep. Michael E. Capuano

Massachusetts' 8<sup>th</sup> District

Rep. Russ Carnahan

Missouri's 3<sup>rd</sup> District

Rep. Judy Chu

California's 32<sup>nd</sup> District

Rep. David N. Cicilline

Rhode Island's 1<sup>st</sup> District

Rep. Hansen Clarke

Michigan's 13<sup>rd</sup> District

Rep. Steve Cohen



Tennessee's 9<sup>th</sup> District

Rep. Joe Courtney

Connecticut's 2<sup>nd</sup> District

Rep. Joseph Crowley

New York's 7<sup>th</sup> District

Rep. Susan A. Davis

California's 53<sup>rd</sup> District

Rep. Diana DeGette

Colorado's 1<sup>st</sup> District

Rep. Theodore E. Deutch

Florida's 19<sup>th</sup> District

Rep. Keith Ellison

Minnesota's 5<sup>th</sup> District

Rep. Sam Farr

California's 17<sup>th</sup> District

Rep. Barney Frank

Massachusetts' 4<sup>th</sup> District

Rep. Charles A. Gonzalez

Texas' 20<sup>th</sup> District

Rep. Al Green

Texas' 9<sup>th</sup> District

Rep. Raul M. Grijalva

Arizona's 9<sup>th</sup> District

Rep. Louis V. Gutierrez

Illinois' 4<sup>th</sup> District

Rep. Alcee Hastings

Florida's 23<sup>rd</sup> District

Rep. Martin Heinrich

New Mexico's 1<sup>st</sup> District

Rep. Brian Higgins

New York's 27<sup>th</sup> District

Rep. Maurice D. Hinchey

New York's 22<sup>nd</sup> District

Rep. Rush D. Holt

New Jersey's 12<sup>th</sup> District

Rep. Michael M. Honda

California's 15<sup>th</sup> District

Rep. Sheila Jackson Lee

Texas' 18<sup>th</sup> District

Rep. Barbara Lee

California's 9<sup>th</sup> District

Rep. Sander M. Levin

Michigan's 12<sup>th</sup> District

Rep. Carolyn B. Maloney

New York's 14<sup>th</sup> District

Rep. Edward J. Markey

Massachusetts' 7<sup>th</sup> District

Rep. Betty McCollum

Minnesota's 4<sup>th</sup> District

Rep. Jim McDermott

Washington's 7<sup>th</sup> District

Rep. James P. McGovern

Massachusetts' 3<sup>rd</sup> District

Rep. Gwen Moore

Wisconsin's 4<sup>th</sup> District

Rep. James P. Moran

Virginia's 8<sup>th</sup> District

Rep. Jerrold Nadler

New York's 8<sup>th</sup> District

Rep. Eleanor Holmes Norton

District of Columbia

Rep. John W. Olver

Massachusetts' 1<sup>st</sup> District

Rep. Chellie Pingree

Maine's 1<sup>st</sup> District

Rep. Jared Polis

Colorado's 2<sup>nd</sup> District

Rep. Steven R. Rothman

New Jersey's 9<sup>th</sup> District

Rep. Janice D. Schakowsky

Illinois' 9<sup>th</sup> District

Rep. Jose E. Serrano

New York's 16<sup>th</sup> District

Rep. John F. Tierney

Massachusetts' 6<sup>th</sup> District

Rep. Niki Tsongas

Massachusetts' 5<sup>th</sup> District

Rep. Debbie Wasserman Schultz

Florida's 20<sup>th</sup> District

Rep. Henry A. Waxman

California's 30<sup>th</sup> District

Rep. Peter Welch

Vermont, At-Large

Rep. Lynn C. Woolsey

California's 6<sup>th</sup> District

Cc: Dr. James Berger, Acting Director for Blood Safety and Availability

Office of the Assistant Secretary for Health, Office of the Assistant Secretary.

Dr. Howard Koh, Assistant Secretary for Health,

U.S. Department of Health and Human Services.

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